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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,198	08/18/2003	Hidehei Kageyama	No. 58	1095
21254	7590	11/29/2004	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			WALCZAK, DAVID J	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/642,198

Applicant(s)

KAGEYAMA, HIDEHEI

Examiner

David J. Walczak

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/18/03, 10/14/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: IDS filed 12/31/03.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statements filed on 8/18/03, 10/14/03 and 12/31/03 have been considered. It is noted that the '266 Robert reference has been lined-out on the IDS filed 8/18/03 since this same reference is cited on the IDS filed 12/31/03.

### ***Specification***

The disclosure is objected to because of the following informalities: Throughout the specification, there are various words with letters missing. See, for example, page 5, line 1, page 6, line 1, page 8, line 1, page 9, lines 1 and 2, page 10, lines 2, 25 and 26, page 11, lines 1 and 24, page 12, line 2 and page 13, lines 1, 2 and 3. The specification should be reviewed and amended to correct these informalities.

Appropriate correction is required.

### ***Claim Objections***

Claims 1, 5 and 8 are objected to because of the following informalities: As discussed supra, various words in these claims are missing letters. See claim 1, line 1, claim 5, line 5 and claim 8, line 12. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regard to claim 1, it is unclear as to whether or not the stick-like object is intended to be part of the claimed combination, i.e., on lines 1 and 2, the stick-like object is referred to, but not positively claimed and on lines 3 and 4 the stick-like object appears to be positively claimed. Clarification is needed.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ross. In regard to claim 1, Ross discloses a stick-like object receiving member 15 for receiving a stick-like object 20 comprising a cylindrical side portion 17 which engages and surrounds at least part of the outer surface of the object 20 and a bottom portion 16 which closes one end of the cylindrical side portion wherein a "safety precaution" in the form of a slit is formed in the side portion and bottom portion (see Figures 4 and 5, should the curved portion between the bottom wall and the sidewall be considered part of the bottom wall, the slit would extend through this portion of the bottom wall) in the axial direction which provides an air passage in the receiving member. In regard to claim 2, a plurality of slits (two) are formed. In regard to claims 3 and 4, the side portion

has a "collar portion" 19 protruding outward in the radial direction on the "other end" of the receiving member. In regard to claims 5, 6 and 7, Ross discloses a barrel having a cylindrical casing 10 in which the receiving member 15 is detachably mounted. In regard to claims 8 and 9, the barrel includes an "end face" 13 to which the collar portion is locked, an inner peripheral surface which engages and surrounds part of the side portion of the receiving member other than the collar portion and a "step portion" (not numbered, see the stepped portion of element 10 in Figure 1 below wall 16) formed on the inner peripheral surface which is separated from the bottom portion 16 to thereby form a gap between the step portion and the bottom portion which communicates with the slit.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Juelss, Lungren and Lynn references are cited for disclosing other stick receiving members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Walczak whose telephone number is 703-308-0608. The examiner can normally be reached on Mon-Thurs, 6:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg L. Huson can be reached on 703-308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David J. Walczak  
Primary Examiner  
Art Unit 3751

DJW  
11/23/04